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#11

ATTORNEY DOCKET NO.: 9643/0L340DATE: January 7, 2003**TELECOPIER TRANSMISSION COVER SHEET**NUMBER TRANSMITTING TO: (703) 308-6916TO: **United States Patent and Trademark Office**ATTN: "Petitions"GRP ART UNIT: 3765FROM: Joseph R. Robinson, Esq.PAPER(S) BEING TRANSMITTED: Petition to Make Special (3 pgs.), A copy of the
Notice of Recordation (2 pgs.), A copy of the
Assignment (2 pgs.)NO. OF PAGES (INCLUDING COVER SHEET): **8**

COMMENTS:

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CERTIFICATION OF FACSIMILE TRANSMISSIONSerial No.: 10/030,367Filed: January 2, 2002


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Robyn Guido

Name

January 7, 2003

Date


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PATENT TRADEMARK OFFICE

Docket No.: 9643/0L340

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Takako FUJII; Makoto OYAMA

Serial No.: 10/030,367

Art Unit: 3765

Confirmation No.: 8711

Filed: January 2, 2002

Examiner: Alissa L. Hoey

For: TIGHTS-TYPE LEG SUPPORT GARMENT

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PETITION TO MAKE SPECIAL

Box DAC
Assistant Commissioner for Patents
Washington, DC 20231

Sir:

This is a petition pursuant to 37 C.F.R. § 1.102(d) to advance the above-identified patent application out of turn for examination. The Commissioner is hereby

authorized to charge the \$130 petition fee specified in 37 C.F.R. § 1.17(h), as well as any deficiency, to Deposit Account No. 04-0100.

The basis for this petition is actual infringement.

The assignee of this application is Wacoal, Corp. A copy of the assignment is attached as Exhibit A.

Applicants' attorney states for the applicants and the assignee that:

- (A) There is an infringing product actually on the market, and that the assignee has purchased an infringing product in the U.S.;
- (B) A rigid comparison of the alleged infringing product with the claims of this application has been made, and in the opinion of the undersigned, some of the claims of this application are unquestionably infringed; and
- (C) Assignee has made or caused to be made a careful and thorough search of the prior art and, particularly, that a pre-examination search was made by IPEA/JP.

A copy of each of the references deemed most closely related to the subject matter encompassed by the claims of this application are already of record.

The present application is a 371 of International Application No. PCT/JP01/03303 which has been subjected to preliminary examination by IPEA/JP. A copy of the International Preliminary Examination Report is part of the file of this application. Additionally, Information Disclosure Statements were mailed in this application on April 3, 2002, June 6, 2002, and August 27, 2002.

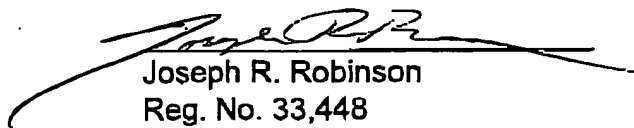
Docket No. 9843/OL340

The two preliminary amendments in this application, each filed on January 2, 2002, did not change the claimed subject matter.

For all of the above reasons, it is respectfully submitted that the above-identified patent application should be examined out of turn and allowed at the earliest possible date.

Respectfully submitted,

Dated: January 7, 2003



Joseph R. Robinson
Reg. No. 33,448
Attorney for Applicant(s)

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Docket No. 9643/OL340



MAY 01, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE
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RECORDATION DATE: 01/02/2002

REEL/FRAME: 012642/0914
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
FUJII, TAKAKO

DOC DATE: 12/26/2001

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ASSIGNOR:
OYAMA, MAKOTO

DOC DATE: 12/26/2001

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ASSIGNEE:
WACOAL CORP.
29, NAKAJIMACHO, KISSHOIN, MINAMI-
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PETITIONS OFFICE

SERIAL NUMBER: 10030367
PATENT NUMBER:

FILING DATE: 01/02/2002
ISSUE DATE:

012642/0914 PAGE 2

PAULA MCCRAY, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Attorney Docket No.: M2096-5

ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned,

Takako FUJII and Makoto OYAMA, both residents of Kyoto, Japan,

hereby sell, assign, and transfer to **Wacoal Corp.**

a corporation of Japan,

having a place of business at **29, Nakajimacho, Kisshoin, Minami-ku,
Kyoto-shi, Kyoto 601-8530, JAPAN**

its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, including the right to claim priority, in and to any and all improvements which are disclosed in the application for United States Letters Patent, which: _____ has been executed by the undersigned concurrently herewith,

_____ was filed on _____ as Application Serial No. _____,

Attorney Docket No. M2096-5, and is entitled:

TIGHTS-TYPE LEG SUPPORT GARMENT

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements, and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements, together with the right to sue for past damages, if any;

Agree(s) that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements, execute all rightful oaths, assignments, powers of attorney and other papers, communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof, and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal

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representatives; and

Covenant(s) with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

The undersigned declare(s) further that all statements made herein of his/their own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this assignment, patent or patent application and any patent issuing thereon.

Takako FUJII
Takako FUJII (Signature)

December 26, 2001
Date

MAKOTO OYAMA
Makoto OYAMA (Signature)

December 26, 2001
Date